

original (Amended)

UNITED STATES DISTRICT COURT

for the

Western District of New York

Case No.

6:22-CV-06549 EAW

(to be filled in by the Clerk's Office)

Sammy L Brown 18B2393

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

JURY TRIAL: Yes ☒ No ☐

J Donahue (Superintendent)
 Tammy Hickey (I.R.C.)
 MS O'Dell (I.G.R.C. Supervisor)

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

(Rev. 01/21) Complaint for Violation of Civil Rights (Prisoner)

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Sammy L Brown 18B2393

All other names by which
you have been known:

ID Number

18B2393

Current Institution

Elmira Correctional facility

Address

Po Box 500, Elmira NY 14902

Elmira

City

NY

State

14902

Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

J Donahue (Superintendent)
(Superintendent)Job or Title (*if known*)

Shield Number

Employer

Elmira Correctional facility

Address

Po Box 500

Elmira

City

NY

State

14902

Zip Code

☐ Individual capacity ☒ Official capacity

Defendant No. 2

Name

Tammy Hickey
(IRC)Job or Title (*if known*)

Shield Number

Employer

Elmira Correctional Facility

Address

Elmira

City

NY

State

14902

Zip Code

☐ Individual capacity ☒ Official capacity

(Rev. 01/21) Complaint for Violation of Civil Rights (Prisoner)

Defendant No. 3

Name

Job or Title (if known)

Shield Number

Employer

Address

MS O'Dell (I.G.R.C Supervisor)
I.G.R.C SupervisorElmira Correctional facility
Elmira NY 14902
City State Zip Code☐ Individual capacity☒ Official capacity

Defendant No. 4

Name

Job or Title (if known)

Shield Number

Employer

Address

Amended
D Moore-Bashta / 5th Defendant (Amended)
DSP / Central office of Albany
C.O.R.C.
D.O.C 1220 Washington Ave
Albany, NY 14902
Elmira Correctional facility
Elmira NY 14902
City State Zip Code☐ Individual capacity☒ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

First Amendment right (incoming mail) 14th AmendmentC. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

(Rev. 01/21) Complaint for Violation of Civil Rights (Prisoner)

- D.** Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (*explain*) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A.** If the events giving rise to your claim arose outside an institution, describe where and when they arose.

- B.** If the events giving rise to your claim arose in an institution, describe where and when they arose.

V. STATEMENT OF CLAIM

Place(s) of occurrence: Elmira Correctional Facility

Date(s) of occurrence: 4.6.22 — 10.13.22 — May 2023

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and how each defendant was personally involved in the alleged wrongful actions. Attach additional pages as necessary.

4.6.22 Facility I.G.R.C Requested that Plaintiff Attorney
Can send legal material for me to review, 4.21.22 Postal Service
tracking shows documents were sent, facility claim it did not receive!
July 11th 2022 Attorney sent another thumb drive Defendant Tammy
Hickey reviewed documents without Plaintiff consent and denied Plaintiff
access to review legal mail! August 15th Ms Odell (I.G.R.C) waits direction
from central office! August 22.22 I.G.R.C agree I can review case
file However I was still denied, October 13th Defendant donohue
signed denied Plaintiff access to legal mail. Plaintiff appealed to
C.O.R.C of Albany! The facility I.G.R.C claim they appealed
to C.O.R.C in October of 2022 C.O.R.C still had not
granted answer grievance according to Plaintiff knowledge
within 90 days of appealing. In february 17 2023 Plaintiff
wrote this court stating defendants was still being denied
access to courts, on July 26 2023 D Moore-Bashta (DSP)
Told me that I Don't have a right to my legal mail when
I want to and she don't have No one to sit and Baby sit
me when I need to review documents!

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

1. Denial Access to Courts by NYS Government Employees. The cumulative interference by state employees have prevented Drafting 4210 motions, writ of Error Coram Nobis, State Habeas Corpus And caused tolling of time for federal Habeas Corpus to expire. mental stress and Anxiety. Prolong Suffering in Hostile environment

VI. RELIEF

State briefly what money damages or other relief you want the court to order.

\$350 dollars a day that this has happen! All Interferences with legal mail sent by lawyers Cease and desist Immediately and restitution to Compesate for ongoing delay. Also ANY time I need to review legal mail sent on electronic device I can have access to that as needed. Also while reviewing Case file I'm entitled to privacy while reviewing. No one should be reviewing my Case file or legal mail But Plaintiff

(Rev. 01/21) Complaint for Violation of Civil Rights (Prisoner)

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

E. If you did file a grievance:

1. Where did you file the grievance?

Elmira Correctional facility

2. What did you claim in your grievance?

why I couldn't review legal mail sent to me

3. What was the result, if any?

Grievance never honored or resolved

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

I appealed to the Superintendent also to C.O.R.C. Albany D.O.C

(Rev. 01/21) Complaint for Violation of Civil Rights (Prisoner)

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

I.G.R.C. Appealed my grievance to the C.O.R.C. of Albany in October, 2022. the C.O.R.C. still has not notified me in a timely manner of the date of appeal. See exhibits G, H

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

(Rev. 01/21) Complaint for Violation of Civil Rights (Prisoner)

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*
- _____

3. Docket or index number
- _____

4. Name of Judge assigned to your case
- _____

5. Approximate date of filing lawsuit
- _____

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*
- _____

(Rev. 01/21) Complaint for Violation of Civil Rights (Prisoner)

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

8.4.23

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

Sammy L Brown 18B2393
 Sammy L Brown 18B2393
 18B2393
 Elmira Correctional facility Po Box 500
 Elmira NY 14902
 City State Zip Code

B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

Telephone Number

E-mail Address

Print

Save As...

Add Attachment

Page 10 of 11
Reset

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 4th day of August, 2023.

Signature of Plaintiff

Inmate Number

Institution Address

Sammy L. Brien
18B23913
Elmira Correctional Facility
PO Box 500
Elmira, NY 14902

Lawrence P Tolbert
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01T06406897
Qualified in Chemung County
Commission Expires 04/20/2024

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this _____ day of _____, 20____, I am delivering this complaint to prison authorities to be mailed to the Pro Se Office of the United States District Court for the Western District of New York.

Signature of Plaintiff: _____

Exhibit G

1.9.23

TO: CorC Albany Dept of corrections
1220 Washington Ave Bldg 9
Albany NY 12226

TO: ~~Elmira~~ Elmira Correctional facility
Mrs O'dell I.G.R.C

From: Sammy L Brown 18B2393
Elmira C.F PO Box 500
Elmira N.Y 14902

Please find enclose the copy of my appeal that I sent to both of the above parties. My appeal has been ignored by the elmira ~~and~~ I.G.R.C. that was mailed in on 10.16.22. the I.G.R.C claim it appealed the decision to central office. However I've heard nothing from either party. Here again I'm sending my appeal in for the third time.

cc - my file
Home file
CorC of Albany
I.G.R.C Ms O'dell

God Bless
Sammy
Brown
18B2393

18.16.22

TO: CORC Albany Dept of Correction.

1220 Washington Ave Bldg 9

Albany NY 12226

from: Sammy C Brown 18B2393

Elmira C.F Po Box 500

Elmira NY 14902

I am appealing the Superintendents Response to my grievance filed on 8.10.22, for all of the following reasons,

1. on 4.6.22 I had a hearing date of a grievance I filed. Enclosed is the response in which I was directed by the facility for my Attorney Edward Norrow to send my case file. The Jefferson County Court Hon. J. Renzi ordered my attorney to turn over.

1. on July 11th my Attorney resent case file on thumb drive per direction of Inmate ~~records~~ records office please see enclosed

1. Ms Hickey claimed do to the autopsy photos, she rejected me from reviewing my case file after the facility demanded that my attorney E Norrow turn over case file.

1. I filed another grievance and the hearing date was 8.22.22 (enclosed) The facility agreed with me that any denial or delay to review my case file

will be construed as denial access to the Courts.
I appealed the decision on 8-31-22 in which I agree
with the Committee decision.


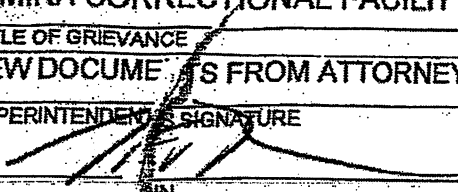
I've followed all of the facility request as well
as my Attorney. I need to review Audio/video
evidence, also I need printed out a very small
amount of documents. The Superintendent Response
is delaying and denying me access to Combat
my Criminal Conviction. I don't need my whole
case file printed off on hard copy, I just need a
few documents. This facility has delayed me
from viewing my Case file well over six months
now. This facility and its Staff has Contradicted
their own decisions in order to prevent me from
access to my Case file. This is causing mental stress,
and its reflecting prejudice and bias.
I need to review Audio and video evidence A.S.A.P

Thanks for your help and concern on this
matter.

cc: my file
Superintendent
Albany Core
I.C.R.C (Emilia C.F.)

Cop
Bless

Sammy
Bueno
18B2393

 Corrections and Community Supervision	GRIEVANCE NO. EL 0369-22	DATE FILED 08/10/2022
	FACILITY ELMIRA CORRECTIONAL FACILITY I	POLICY DESIGNATION
	TITLE OF GRIEVANCE VIEW DOCUMENTS FROM ATTORNEY	CASE CODE 42
	SUPERINTENDENT'S SIGNATURE 	DATE 10/13/2022
INCARCERATED GRIEVANCE PROGRAM SUPERINTENDENT RESPONSE	GRIEVANT BROWN, S.	HOUSING UNIT I-5-27

Grievant claims that his attorney send information for him to view regarding a pending case on a thumb drive and he has been denied access to information.

Investigation reveals that due to the amount/n of information on the thumb drive and the amount of time it would take to have someone sit with grievant and go through it, direction was requested through DOCCS Counsel's office. Counsel's office has reached out to grievant's attorney via phone with no response. At this time, Counsel's office has sent a written request to grievant's attorney to have the information sent to the facility in hard copy, again no response has been received. Grievant is advised to reach out to his attorney and have them contact Counsel's office to resolve this issue.

Grievance is denied.

APPEAL STATEMENT

If you wish to appeal the above decision of the Superintendent, please sign below and return this copy to the IGRC at the facility where the grievance was filed. You have seven (7) calendar days from receipt of this notice to file your appeal.* Please provide a reason why you are appealing this decision to CORC.

The grievant is appealing the Superintendent's decisions! Show in proof that the Superintendent's attorney denied access to case file!


GRIEVANT'S SIGNATURE

8.13.22
DATE

GRIEVANCE CLERK'S SIGNATURE

DATE

*An exception to the time limit may be requested under Directive #4040, section 701.6 (g)



EDWARD F. NARROW, P.C.

20 Park Street, Canton, NY 13617

Tel: (315) 386-8500

Fax: (315) 386-8550 / NOT FOR SERVICE OF PROCESS

Email: enarrow@edwardfarrow.com

33

July 11, 2022

Elmira Correctional Facility
ATTN: Guidance Unit
1879 Davis Street
Elmira, NY, 14902

RE: Legal Mail & Legal Correspondence
Sammy Brown DIN# 18B2393

Dear Sir,

In accordance with the guidance provided by Richard at the Inmate Records Coordinator's Office on July 8, 2022, enclosed you will find a USB Thumb Drive for Mr. Brown to review. This drive contains legal documents and discovery materials provided to Mr. Brown by the Jefferson County District Attorney's Office, with regards to his case.

Thank you for your continued attention to this matter.

Sincerely,


EDWARD F. NARROW, P.C.

Dr. J. H. Hume

Jefferson County District Attorney

cc: Hon. David A. Benzi
County Court Judge
Jefferson County Court

Assistant U.S. Attorney
Jefferson County
District Attorney

 Corrections and Community Supervision	GRIEVANCE NO. EL - 0132-22		HEARING DATE 4/6/2022
	GRIEVANT NAME BROWN, S.		DIN: 18-B-2393
	FACILITY ELMIRA		HOUSING UNIT 10527
	HELD IN ABSENTIA <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, WHY:		
INCARCERATED GRIEVANCE PROGRAM IGRC HEARING RESPONSE			

Response of IGRC:

This committee AGREES with the grievant. Per the investigation, the grievant's Lawyer needs to send the Thumbdrive/CD which holds his paperwork to the Elmira CF IRC, with a letter stating that the contain the grievant's legal paperwork. The IRC will notify the grievant of their arrival, and the grievant then must notify IRC that he wishes to review them. Grievant will be scheduled to view the items, and may request paper copies of items that he feels that he needs.

Chairperson: BrewisIGRC Members: [Signature]
[Signature]
[Signature]Date Returned to Grievant: 4/12/22**Appeal:**

If you wish to appeal, please check the appropriate box below and return within 7 calendar days to the IGRC office at the facility where the grievance was filed.*

☐ I disagree with the IGRC response and wish to appeal to the Superintendent.

☐ I have reviewed the Deadlocked response. Refer to Superintendent.

☐ I agree with the IGRC response and wish to appeal to the Superintendent.

☐ I want to apply to the IGP Supervisor for review of the IGRC dismissal.

Grievant Signature: _____

Date: _____



*An exception to the time limit may be requested under Directive #4040, § 701.6 (g).

To be completed by Grievance Clerk

Grievance Clerk Signature: _____

Date Received: _____

Date Forwarded to Superintendent For Action: _____

 Corrections and Community Supervision	GRIEVANCE NO	DATE FILED
	EL 0360-22	08/10/2022
	FACILITY	DATE DUE
	ELMIRA CF	
INCARCERATED GRIEVANCE PROGRAM INVESTIGATION REPORT	GRIEVANT NAME	DIN
	BROWN, S.	18B2393
	SIGNATURE OF REPORT WRITER	DATE
	M O'DELL 	08/15/2022

NAME OF PERSON(S)/DEPARTMENT INVOLVED:

2

4


INVESTIGATIVE REPORT

(Please specify the name and title of the person(s) who provided the information below.)

Per the direction of the DSP due to the nature of the information contained on the CD Rom and thumb drive, Central Office was contacted and the facility is awaiting their direction.

RELEVANT INFORMATION CONCERNING CORC/COMMISSIONER DECISION

ADDITIONAL PERTINENT INFORMATION PROVIDED BY GRIEVANT:

 Corrections and Community Supervision INCARCERATED GRIEVANCE PROGRAM IGRC HEARING RESPONSE	GRIEVANCE NO. EL - 0369-22	HEARING DATE 8/22/2022
	GRIEVANT NAME BROWN, S.	DIN: 18-B-2393
	FACILITY ELMIRA	HOUSING UNIT 10527
	HELD IN ABSENTIA <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, WHY:	

Response of IGRC:

This committee AGREES with grievant. Grievant has a legal right to any and all documents that the court has deemed permissible for him to possess. ANY denial or delay may be construed as a denial of access to the courts.

Chairperson: J. HickeyIGRC Members: [Signature]
[Signature]
K. [Signature]Date Returned to Grievant: 8/25/20**Appeal:**

If you wish to appeal, please check the appropriate box below and return within 7 calendar days to the IGRC office at the facility where the grievance was filed *

☐ I disagree with the IGRC response and wish to appeal to the Superintendent

☐ I have reviewed the Deadlocked response. Refer to Superintendent.

☒ I agree with the IGRC response and wish to appeal to the Superintendent.
Grievant Signature: [Signature]
☐ I want to apply to the IGP Supervisor for review of the IGRC dismissal
Date: 8.31.22

*An exception to the time limit may be requested under Directive #4040, § 701.6 (g).

To be completed by Grievance Clerk

Grievance Clerk Signature: _____

Date Received: _____

Date Forwarded to Superintendent For Action: _____

Exhibit H



Corrections and Community Supervision

KATHY HOCHUL
Governor

ANTHONY J. ANNUCCI
Acting Commissioner

TO: Brown, S. 18B2393 I-5-14

FROM: IGPS M. O'Dell

DATE: 01/12/2023

SUBJECT: EL 0369-22

As you seem to already be aware, your grievance was appealed to CORC and sent to them in October of 2022. Once this grievance is scheduled for a hearing, they will send you notification. Then, once a decision is made, you will receive that decision.


M. O'Dell, IGPS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RECEIVED
SDNY PRO SE OFFICE

Sammy L Brown 18B2393

2022 NOV 18 PM 3:18

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

J Donahue (Superintendent)
Tammy Hickey (IRC)
MS O'DELL (I.G.R.E. supervisor)

COMPLAINT

under the
Civil Rights Act, 42 U.S.C. § 1983
(Prisoner Complaint)

Jury Trial: ☒ Yes ☐ No
(check one)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Sammy L Brown
ID # 18B2393
Current Institution Elmira Correctional Facility
Address Po Box 500, Elmira NY 14902

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name J Donahue (Superintendent) Shield # _____
 Where Currently Employed Elmira Correctional facility
 Address Po Box 500 Elmira NY 14902

Defendant No. 2 Name Tammy Hickey (IRC) Shield # _____
 Where Currently Employed Elmira Correctional facility
 Address Po Box 500 Elmira NY 14902

Defendant No. 3 Name O'Dell (I.G.R.C Supervisor) Shield # _____
 Where Currently Employed Elmira Correctional facility
 Address Po Box 500 Elmira NY 14902

Defendant No. 4 Name _____ Shield # _____
 Where Currently Employed _____
 Address _____

Defendant No. 5 Name _____ Shield # _____
 Where Currently Employed _____
 Address _____

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur? _____

B. Where in the institution did the events giving rise to your claim(s) occur? _____

C. What date and approximate time did the events giving rise to your claim(s) occur? _____

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?
- Yes ☒ No ☐

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Elmira Correctional facility

- B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?
- Yes ☒ No ☐ Do Not Know ☐

- C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes ☒ No ☐ Do Not Know ☐

If YES, which claim(s)?

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes ☒ No ☐

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes ☐ No ☒

- E. If you did file a grievance, about the events described in this complaint, where did you file the grievance?

Elmira Correctional facility

- Which claim(s) in this complaint did you grieve? Review Case file on
CD Rom and thumb drive so that I can access the Courts.
- What was the result, if any? The facility has denied me access to
my case file so that I can access the Courts
- What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process. The I.G.R.C Committee agreed with
my grievance, however they still are denying me access to
review my case file.

- F. If you did not file a grievance:

When you did not file a grievance, state them here:

D. Facts: Attorney Edward Narrow Sent Discovery Material
on 4.25.22 for review so I can access courts. The facility
claim it did not receive Case file on that date the Attorney
Narrow resent Case file on July 11 2022 for my review
Tammy Hickey reviewed my Case file without my consent, Sean
that it contains Autopsy photos and denied me access to review

What
 happened
 to you?

Who did
 what?

Was
 anyone
 else
 involved?

Who else
 is
 at
 ad?

(5 months)
Superintendent has denied me access to review Case file
Because no one has time for me to review it, ms o'dell of the
I.G.R.C Supervisor agreed that I should review Case file however
they have failed on their decision

I still have not been able to review my Case file discovery
so that I can construct a 440.10 motion. This denial and
delay has denied me access to the courts to challenge my
Criminal conviction. I must review Audio and video evidence.

III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. there has been a 7 month delay (April 2022 until
November 2022) in me starting to perfect my motion. This has
caused me mental stress due to my actual innocence.

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

2. If you did not file a grievance but informed any officials of your claim, state who you informed, when and how, and their response, if any: I filed a grievance, the grievance has never been resolved, Nor honored

- G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies. I appealed to CORC in Albany, they told me to appeal to the Elmira Facility, which I've already done

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount). I want to review my case file and

be able to print out any documents that I need. I want \$200 dollars a day for as long as this situation remains unresolved, ~~And I want to be compensated for the time and money I have lost~~

All interferences with legal material sent by lawyers to me to cease and desist immediately, And restitution to compensate for the ongoing delay.

VI. Previous lawsuits:

- ☐ A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes ☐ No ☒

- B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes ☐ No ☐

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

- ☐ C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?

Yes ☐ No ☒

- D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes ☐ No ☐

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 4th day of August, 2023.

4th August 2023

Signature of Plaintiff

Inmate Number

Institution Address

Sammy L. Brown

18B23913

Elmira Correctional Facility

PO Box 500

Elmira, NY 14902

Lawrence P Tolbert
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01T06406897
Qualified in Chemung County
Commission Expires 04/20/2024

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this _____ day of _____, 20____, I am delivering this complaint to prison authorities to be mailed to the Western Southern District of New York. Pro Se Office of the United States District Court for the

Signature of Plaintiff: _____

EXHIBIT A

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

I declare under penalty of perjury that the foregoing is true and correct.

Signed this ____ day of _____, 20__.

Signature of Plaintiff _____

Inmate Number _____


Institution Address _____

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this ____ day of _____, 20__, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff: _____

Exhibit B

 Corrections and Community Supervision INCARCERATED GRIEVANCE PROGRAM IGRC HEARING RESPONSE	GRIEVANCE NO. EL - 0132-22	HEARING DATE 4/6/2022
	GRIEVANT NAME BROWN, S.	DIN: 18-B-2393
	FACILITY ELMIRA	HOUSING UNIT 10527
	HELD IN ABSENTIA <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, WHY:	

Response of IGRC:

This committee AGREES with the grievant. Per the investigation, the grievant's Lawyer needs to send the Thumbdrive/CD which holds his paperwork to the Elmira CF IRC, with a letter stating that the contain the grievant's legal paperwork. The IRC will notify the grievant of their arrival, and the grievant then must notify IRC that he wishes to review them, Grievant will be scheduled to vew the Items, and may request paper copies of items that he feels that he needs.

Chairperson: Brewis IGRC Members: [Signature]
[Signature]
[Signature] Temple

Date Returned to Grievant: 4/12/22

Appeal:

If you wish to appeal, please check the appropriate box below and return within 7 calendar days to the IGRC office at the facility where the grievance was filed.*

<input type="checkbox"/> I disagree with the IGRC response and wish to appeal to the Superintendent.	I have reviewed the Deadlocked response. Refer to Superintendent.
<input type="checkbox"/> I agree with the IGRC response and wish to appeal to the Superintendent.	I want to apply to the IGP Supervisor for review of the IGRC dismissal.

Grievant Signature: _____ Date: _____

*An exception to the time limit may be requested under Directive #4040, § 701.6 (g).

To be completed by Grievance Clerk

Grievance Clerk Signature: _____ Date Received: _____

Date Forwarded to Superintendent For Action: _____

FORM 2131 (Reverse) (12/21)



EDWARD F. NARROW P.C.

20 Park Street Canton, NY 13617

Tel (315) 386-8500

Fax (315) 386-8550 (NOT FOR SERVICE OF PROCESS)

E-mail: efnarrow@efnarrow.com

April 21, 2022

Sammy Brown (DN 18-B2542)
c/o Elmira Correctional Facility
ATTN: Inmate Records Coordinator
PO Box 500 Elmira NY 14902-0500

RE: Discovery Materials

Dear Mr. Brown:

Enclosed you will find the CD, DVD and USB Thumb Drives as per request. Between them contain all Discovery Materials that we possess in regard to your case and have addressed this material per your written request from April 21, 2022.

Sincerely,

THOMAS J. JERMOLOW, ESQ.
EDWARD F. NARROW P.C.

Copy w/enclosure

Jefferson County Court Chambers

ATTN: Hon. David A. Pappas

USPS Tracking®

FAQs >

Track Another Package +

Tracking Number: 9405509202121598963275

Remove X

Your item was picked up at a postal facility at 9:06 am on April 25, 2022 in ELMIRA, NY 14901.

USPS Tracking Plus® Available ▾

 **✓ Delivered, Individual Picked Up at Postal Facility**

April 25, 2022 at 9:06 am
ELMIRA, NY 14901

Get Updates ▾

Tracking

Text & Email Updates ▾

Tracking History

 April 25, 2022, 9:06 am
Delivered, Individual Picked Up at Postal Facility
ELMIRA, NY 14901
Your item was picked up at a postal facility at 9:06 am on April 25, 2022 in ELMIRA, NY 14901.

April 23, 2022, 9:14 am
Delivery Attempted - No Access to Delivery Location
14901

April 23, 2022, 7:51 am
Arrived at Post Office
ELMIRA, NY 14901

April 23, 2022, 3:00 am
Departed USPS Regional Facility

ROCHESTER NY DISTRIBUTION CENTER

April 22, 2022, 4:20 am

Arrived at USPS Regional Facility

ROCHESTER NY DISTRIBUTION CENTER

April 21, 2022, 5:22 pm

Departed Post Office

CANTON, NY 13617

April 21, 2022, 4:17 pm

USPS In possession of item

CANTON, NY 13617

April 20, 2022, 3:20 pm

Shipping Label Created. USPS Awaiting item

CANTON, NY 13617

USPS Tracking Plus®

Product Information

[See Less](#)

Can I find what you're looking for?

For help finding answers to your tracking questions

FAQs



Exhibit C



Corrections and Community Supervision

ANDREW M. CUOMO
Governor

ANTHONY J. ANNUCCI
Acting Commissioner

To: Brown, Sammy 18B2393
FROM: T. Hickey, ORA
DATE: 7/1/22
RE: Documents requested for Review

I received your correspondence regarding documents that your attorney was trying to send to you for review. According to IRC, there are no such documents in your personal property nor were any reported as received by the mailroom. Please submit a written request to IRC regarding this matter for a reply back directly from that area. Your attorney may need to supply another copy of the documents for your review.

Thank you.

cc: file

Exhibit D



EDWARD F. NARROW, P.C.

20 Park Street, Canton, NY 13617

Tel: (315) 386-8500

Fax: (315) 386-8550 (NOT FOR SERVICE OF PROCESS)

Email: orangelaw98@yahoo.com

July 11, 2022

Elmira Correctional Facility
ATTN: Guidance Unit
1879 Davis Street
Elmira, NY, 14902

RE: Legal Mail & Legal Correspondence
Sammy Brown DIN# 18B2393

Dear Sir,

In accordance with the guidance provided by Richard at the Inmate Records Coordinator's Office on July 8, 2022, enclosed you will find a USB Thumb Drive for Mr. Brown to review. This drive contains legal documents and discovery materials provided to Mr. Brown by the Jefferson County District Attorney's Office, with regards to his case.

Thank you for your continued attention to this matter.

Sincerely,



THE LAW FIRM OF EDWARD F.
NARROW, P.C.

David Hartman

Office Assistant to Mr. Narrow

cc: Hon. David A. Renzi Kristyna S. Mills, Esq.
County Court Judge Jefferson County
Jefferson County Court District Attorney

Exhibit E

 NEW YORK STATE Corrections and Community Supervision	GRIEVANCE NO. EL 0368-22		DATE FILED 08/10/2022
	FACILITY ELMIRA CF		DATE DUE
	GRIEVANT NAME BROWN, S.		DIN 18B2393
	SIGNATURE OF REPORT WRITER M O'DELL 		DATE 08/15/2022

INCARCERATED GRIEVANCE PROGRAM

INVESTIGATION REPORT

NAME OF PERSON(S)/DEPARTMENT INVOLVED:

1. _____ 2. _____

3. _____ 4. _____

INVESTIGATIVE REPORT


(Please specify the name and title of the person(s) who provided the information below.)

Per the direction of the DSP, due to the nature of the information contained on the CD Ram and thumb drive, Central Office was contacted and the facility is awaiting their direction.

RELEVANT CDDCL FACILITY POLICY / CORC/COMMISSIONER DECISION

ADDITIONAL PERTINENT INFORMATION PROVIDED BY GRIEVANT:

Exhibit F

 Corrections and Community Supervision INCARCERATED GRIEVANCE PROGRAM IGRC HEARING RESPONSE	GRIEVANCE NO. EL - 369-22	HEARING DATE 8/22/2022
	GRIEVANT NAME BROWN, S.	DIN: 18-B-2393
	FACILITY ELMIRA	HOUSING UNIT I0527
	HELD IN ABSENTIA <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, WHY:	

Response of IGRC:

This committee AGREES with grievant. Grievant has a legal right to any and all documents that the court has deemed permissible for him to possess. ANY denial or delay may be construed as a denial of access to the courts.

Chairperson: J. Hickey

IGRC Members: [Signature]
[Signature]
K. Cygan, Sgt

Date Returned to Grievant: 8/25/20

Appeal:

If you wish to appeal, please check the appropriate box below and return within 7 calendar days to the IGRC office at the facility where the grievance was filed.*

☐ I disagree with the IGRC response and wish to appeal to the Superintendent.

I have reviewed the Deadlocked response. Refer to Superintendent.

☒ I agree with the IGRC response and wish to appeal to the Superintendent.

I want to apply to the IGP Supervisor for review of the IGRC dismissal.

Grievant Signature: [Signature] 8.31.22

Date: _____


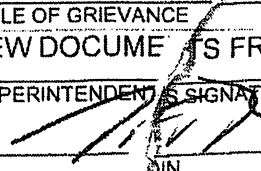
*An exception to the time limit may be requested under Directive #4040, § 701.6 (g).

To be completed by Grievance Clerk

Grievance Clerk Signature: _____

Date Received: _____

Date Forwarded to Superintendent For Action: _____

 Corrections and Community Supervision INCARCERATED GRIEVANCE PROGRAM SUPERINTENDENT RESPONSE	GRIEVANCE NO. EL 0369-22	DATE FILED 08/10/2022
	FACILITY ELMIRA CORRECTIONAL FACILITY	POLICY DESIGNATION I
	TITLE OF GRIEVANCE VIEW DOCUMENTS FROM ATTORNEY	CASE CODE 42
	SUPERINTENDENT'S SIGNATURE 	DATE 10/13/2022
GRIEVANT BROWN, S.	DIN 18B2393	HOUSING UNIT I-5-27

Grievant claims that his attorney send information for him to view regarding a pending case on a thumb drive and he has been denied access to the information.

Investigation reveals that due to the amount/n of information on the thumb drive and the amount of time it would take to have someone sit with grievant and go through it, direction was requested through DOCCS Counsel's office. Counsel's office has reached out to grievant's attorney via phone with no response. At this time, Counsel's office has sent a written request to grievant's attorney to have the information sent to the facility in hard copy, again no response has been received. Grievant is advised to reach out to his attorney and have them contact Counsel's office to resolve this issue.

Grievance is denied.

APPEAL STATEMENT

If you wish to appeal the above decision of the Superintendent, please sign below and return this copy to the IGRC at the facility where the grievance was filed. You have seven (7) calendar days from receipt of this notice to file your appeal.* Please provide a reason why you are appealing this decision to CORC.

The grievant is appealing the Superintendent's decisions! Shows in p 10 that the defendant's attorney denied access to case file!

Sammy Brown
GRIEVANT'S SIGNATURE

8.18.22
DATE

GRIEVANCE CLERK'S SIGNATURE

DATE

*An exception to the time limit may be requested under Directive #4040, section 701.6 (g)

11.14.22

TO: US District Court
500 Pearl St Rm 230
NY, NY 10007

FROM: Sammy L Brown 18B2393
Elmira C.F. Po Box 500
Elmira, NY 14902

Dear Courts

I'm requesting that the Courts please expedite this matter. I'm being delayed access to discovery material. I've been delayed way to long and need this matter resolved as soon as practical

Cpd
Bless

Sammy
Brown
18B2393